

Coast Guard, DHS

§ 153.10

0001 an application that includes the following information:

(1) A copy of the vessel's Cargo Ship Safety Construction Certificate and Cargo Ship Safety Equipment Certificate issued under the International Convention for Safety of Life at Sea, 1974.

(2) A list of those cargoes for which the Letter of Compliance is to be endorsed.

(3) The specific tanks that are to be endorsed for each cargo.

(4) The names of the U.S. ports in which the person anticipates operating the vessel.

(5) The name of the vessel's flag administration.

(6) The name of the society that classes the vessel.

(7) A brief description of the vessel's cargo containment systems.

(8) Hull type calculations.

(9) The plans and information listed in §§ 54.01-18, 56.01-10, 91.55-5 (a), (b), (d), (g), and (h), and 111.05-5(d) of this chapter.

(c) *Conditions applying to all Certificate of Compliance applications.* (1) If requested by the Commanding Officer, U.S. Coast Guard Marine Safety Center (MSC), 400 Seventh St., SW., Washington, DC 20590-0001, a person desiring a Certificate of Compliance for a vessel must furnish any other vessel information such as plans, design calculations, test results, certificates, and manufacturer's data, that the Coast Guard needs to determine that the vessel meets the standards of this part.

(2) Correspondence with the Coast Guard and vessel information submitted under this part must be in English except IMO Certificates which may be in French.

[CGD 73-96, 42 FR 49027, Sept. 26, 1977, as amended by CGD 81-052, 50 FR 8733, Mar. 5, 1985; 50 FR 15895, Apr. 23, 1985; CGD 88-070, 53 FR 34535, Sept. 7, 1988; CGD 88-070, 53 FR 37570, Sept. 27, 1988; CGD 89-025, 54 FR 19571, May 8, 1989; CGD 90-008, 55 FR 30663, July 26, 1990; CGD 92-100, 59 FR 17028, Apr. 11, 1994; CGD 95-027, 61 FR 26008, May 23, 1996]

§ 153.10 Procedures for requesting alternatives and waivers; termination of waivers.

(a) The Coast Guard considers allowing the use of an alternative in place of a requirement in this part if—

(1) The person wishing to use the alternative sends a written application to the Commandant (G-MSO) explaining—

(i) The requirement in this part that would not be met and the reason why;

(ii) The alternative the person proposes to be substituted; and

(iii) How the alternative would ensure a level of safety and pollution protection at least equal to that of the requirement for which the alternative would substitute;

(2) The alternative does not substitute an operational standard for a design or equipment standard; and

(3) The Commandant (G-MSO) determines that the alternative provides a level of protection for purposes of safety and pollution at least equal to the requirement in this part.

(b) The Coast Guard considers granting a waiver of a requirement for which this part allows a waiver if the person wishing the waiver sends a written application to the Commandant (G-MSO) that includes—

(1) A citation of the regulation that allows the waiver; and

(2) Any information and pledges that the regulation requires to be submitted with the application for the waiver.

(c) The Commandant notifies the applicant in writing—

(1) Whether any further information is necessary to evaluate the request for an alternative or waiver; and

(2) Of the outcome of the request for an alternative or waiver.

(d) A waiver issued under this part terminates if any—

(1) Information required to be supplied with the application for the waiver changes;

(2) Pledges required to be supplied with the application for the waiver are repudiated;

(3) Restrictions or procedures applying to operations under the waiver are violated; or

(4) Requirements in the section of this part authorizing the waiver are violated.

[CGD 81-101, 52 FR 7780, Mar. 12, 1987]